



**Town of Arlington, Massachusetts**  
Department of Planning and Community Development  
730 Massachusetts Avenue, Arlington, Massachusetts 02476

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## Public Hearing Memorandum

*The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.*

**To:** Arlington Redevelopment Board  
**From:** Claire V. Ricker, AICP Secretary Ex-Officio  
**Subject:** Environmental Design Review, 61 Dudley Street, Arlington, MA, Docket #3801  
**Date:** June 13, 2024

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### I. Docket Summary

This is an application by Mark and Gary Santini, Santini Realty Trust, 60 Dudley Street, Arlington, MA 02474, to open Special Permit Docket #3801 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.3, Special Permits, and Section 3.4, Environmental Design Review.

The applicant proposes to renovate the existing single family non-conforming residence located at 61 Dudley Street, Arlington, MA, in the Industrial District, into a two-family duplex. The property abuts the Minuteman Bikeway. The opening of the Docket is to allow the Board to review and approve the project under Section 3.3, Special Permits, and Section 3.4, Environmental Design Review.

Approval of this project requires several findings as well as relief from the following requirements:

- *Where feasible, the principal façade of the principal building on the site shall be no more than 10 feet from the front lot line. (§ 5.6.2.D(2))*
- *The required minimum transparency of the ground floor principal façade visible from a public right-of-way shall be 50% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk. (§ 5.6.2.D(3))*
- *The primary building entry shall be connected by an accessible surface to the public sidewalk. (§ 5.6.2.D(3))*

- *Provide a shade tree every 35 linear feet of lot frontage along a public right of way, and to the extent practicable, irrigated planter boxes every 15 linear feet of frontage along a public right of way. (§ 5.6.2.D(5))*
- *For lots that abut the Minuteman Bikeway, two (2) benches or similar permanent seating accessible to the public should be located within the yard adjacent to the Bikeway. (§ 5.6.2.D(5))*
- *A project requiring Environmental Design Review shall include a solar energy system that is equivalent to at least fifty percent of the roof area of the building or buildings that are the subject of the review. (§ 6.4.1)*

Materials submitted for consideration of this application include:

- Application for EDR Special Permit,
- Dimensional and Parking Information,
- Impact Statement,
- Site Plan,
- LEED Checklist,
- Architectural Drawings.

## II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

### 1. Section 3.3.3.A.

**The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.**

The requested use, while not a listed special permit use, is allowable by special permit should the Board make positive findings under Sections 8.1.1.A, 8.1.2.B, 8.1.3.B, and 6.1.10.F(1). To issue a special permit, the Board would need to find that the current non-conforming use may be extended and that the non-conforming use of the structure may be changed to another non-conforming use.

### 2. Section 3.3.3.B.

**The requested use is essential or desirable to the public convenience or welfare.**

Although the neighborhood is zoned Industrial, which generally disallows single- and two-family dwellings, other single- and two-family residences exist in the neighborhood and contribute to a diversity of housing options in the Town. The Board can find that this condition is met.

### 3. Section 3.3.3.C.

**The requested use will not create undue traffic congestion or unduly impair pedestrian safety.**

The proposed duplex residential use is largely the same as the pre-existing, nonconforming use that has been on the site for many years. As such, it will not create any significant additional traffic or pedestrian safety impacts in the area. Moreover, the property abuts the Minuteman Bikeway, which increases the likelihood that residents will travel by bike to their destinations. The existing sidewalk in front of the property will remain and be repaired as appropriate. The Board can find that this condition is met.

### 4. Section 3.3.3.D.

**The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.**

The proposed duplex residential use would replace the single-family residential use, which has been on the site for many years and has not overloaded any public utilities. The addition of a second residential unit will increase water and sewer usage but likely not to an extent that would overload public systems in the neighborhood. The Board can find that this condition is met.

### 5. Section 3.3.3.E.

**Any special regulations for the use as may be provided in the Bylaw are fulfilled.**

There are no special regulations which apply to the proposed use. The Board can find this condition met.

**6. Section 3.3.3.F.**

**The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.**

While located in the Industrial district, the proposed duplex dwelling is in a line of both residential structures and other uses along the north side of Dudley Street. There will be no perceivable impact to the integrity or character of the district or the adjoining open space district along the Minuteman Bikeway. The Board can find this condition is met.

**7. Section 3.3.3.G.**

**The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.**

The pre-existing nonconforming use has been present in this neighborhood at this building and other adjacent buildings for over 80 years and does not impair the integrity or character of the neighborhood. The addition of one additional residential unit to a partially residential block in the industrial district will not cause an excess of residential uses detrimental to the industrial district. The Board can find that this condition is met.

**III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)**

**1. EDR-1 Preservation of Landscape**

**The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.**

The existing site has a lawn with trees along the rear and left side lot lines. The trees will not be removed as part of the proposed construction. The front left portion of the lot is within 200 feet of Mill Brook, thus the plantings in that area are under the jurisdiction of the Conservation Commission. The Board may consider adding a condition related to Conservation Commission approval regarding the landscaping in that portion of the site.

**2. EDR-2 Relation of the Building to the Environment**

**Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.**

The proposed duplex dwelling will be similar in scale to the existing two-and three-family dwellings on Dudley Street. The front and rear yard lines abut public ways, and there will be no substantial change to those transitions. The stone wall on Dudley Street will be reconfigured as required for the proposed construction, but it will remain contiguous with the walls on the adjacent properties. The Board can find this condition met.

### **3. EDR-3 Open Space**

**All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.**

The existing site has large open space areas; however, the open space is not useable by the residents due to the industrial traffic to the front of the site. The proposed renovation and expansion will separate the front and rear portions of the yard. The rear yard extends to the existing chain link fence along the bikeway. That extended yard area does comply with the dimensional requirements for usable open space. As there is no requirement for Usable Open Space in the industrial district, the Board can find this condition met.

### **4. EDR-4 Circulation**

**With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.**

The proposal includes the addition of a second driveway and an expansion of the existing driveway allowing for exterior tandem parking. Additionally, there is one basement-level garage space proposed at the end of each driveway totaling at least two spaces per unit. Each driveway services one side of the duplex exclusively, allowing for orderly vehicular circulation. The Zoning Bylaw does not provide parking minimums for duplex structures.

The Applicant has not proposed exterior bicycle parking spaces, however per Section 6.1.12 there is no minimum number of long- or short-term bicycle parking spaces required for duplex structures.

The Board can find that this condition is met.

### **5. EDR-5 Surface Water Drainage**

**Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.**

In accordance with Section 3.3.4., the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to ensure the maintenance of all

**stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.**

**The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.**

The two proposed driveways will be surfaced with a permeable paver and pitched towards trench drains leading to a subsurface infiltration chamber. The remainder of the site will not be substantially re-graded. The front left portion of the lot is within the 200-foot riverfront zone from Mill Brook. The Applicant is working with a civil engineer to prepare plans for review by the Conservation Commission.

The Board may consider adding a condition related to Conservation Commission approval regarding the surface water drainage for that portion of the site.

#### **6. EDR-6 Security for Stormwater Facilities**

**In accordance with Section 3.3.4, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.**

The proposal will use pervious pavers across the site and in construction of a new driveway which will also employ trench drains and an infiltration chamber, thus mitigating increased storm water impacts and improving surface water drainage over existing conditions. The Board can find that this condition is met.

#### **7. EDR-7 Utility Service**

**Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.**

Utility access will not change as a result of this proposal. The Board can find that this condition is met.

#### **8. EDR-8 Advertising Features**

**The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.**

As a residential property, there will not be any advertising features apart from house numbers. The Board can find this condition met.

#### **9. EDR-9 Special Features**

**Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent**

**their being incongruous with the existing or contemplated environment and the surrounding properties.**

As a residential property, there will not be any special features. The Board can find this condition met.

#### **10. EDR-10 Safety**

**With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.**

The proposed duplex dwelling is designed in compliance with the Ninth Edition of the Massachusetts State Building Code and shall not include public or semi-public spaces. The Board can find this condition met.

#### **11. EDR-11 Heritage**

**With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.**

The building and property are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*. The Board can find that this condition is met.

#### **12. EDR-12 Microclimate**

**With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air, and water resources or on noise and temperature levels of the immediate environment.**

The expanded building and second driveway will increase the hard-scape coverage on the lot. The driveways will be surfaced with a permeable material to encourage retention of water on the site. A public shade tree will be planted in front of the building to provide shade for the street and front yard areas. Existing trees in the left and rear yards will remain. The Board can find this condition met.

#### **13. EDR-13 Sustainable Building and Site Design**

**Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.**

A LEED checklist was provided for this proposal; however, the Applicant does not intend to submit this project for certification under the LEED for Homes protocols. The proposal is subject to both the specialized stretch code and the fossil fuel free bylaw. The Board can find this condition met.

#### IV. Findings

1. The ARB may find that the pre-existing nonconforming structure and use may be extended and altered, without being substantially more detrimental to the neighborhood than the existing nonconforming use. (§8.1.1.A)
2. The ARB may find that the nonconforming use of the structure (detached single-family dwelling) may be changed to another nonconforming use (duplex dwelling) not substantially different from the existing use. (§8.1.2.B)
3. The ARB may find that the alteration and extension of the single- or two-family residential structure which increases the nonconforming nature of the structure will not be substantially more detrimental to the neighborhood than the existing use. (§8.1.3.B)
4. The ARB may find that the addition of a driveway directly in front of the structure is necessary and convenient to the public interest. (§6.1.10.F(1))

#### V. Conditions

##### A. General

1. The applicant shall receive Conservation Commission approval regarding the surface water drainage plan for the front left portion of the lot that is within the 200-foot riverfront zone from Mill Brook.
2. The applicant shall receive Conservation Commission approval regarding the landscaping plan and plantings for the front left portion of the lot is within 200 feet of Mill Brook.
3. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development.
4. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
5. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
6. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
7. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
8. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.



9. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
10. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.
11. Upon the issuance of the building permit, the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
12. Building signage shall be filed with and reviewed and approved by the Department of Planning and Community Development and Inspectional Services.